1893-024
Nansemond Co. (Suffolk) Chancery Causes: John B. Vaughn, constable vs R. H Holland, justice

Duke, Hare, Daughtrey, Butler

Witnesses Plaintiff / Abram Lee
R R Duke
Deff / D. J. Daughtrey

March 10th 1883

Mr J. B Vaughn you will please pay to R R Duke two dollars for me of a rong cost made by you last september in mine and Abrams lees difficulty and Oblige

his
Prentis + Hare
mark

John B
Vaughan
$2.00
2 3 5
$4.35

Judgment in favor of the
plaintiff for the sum of
Plaintiff, Brevis
Costs $2.35, Brevis
May 14, 1883 Rob Holland J.C.

April 9th 1883

John B Vaughan

To Prentis Hare Dr

To cost $2.00

John Brady
Plaintiff

Judgment is granted the Plaintiff for two dollars and cost of suit 2.55 cts

May 14, 1883

Robt Walker J.P.

Nansemond County, To-wit:

"1" R. R. Duke

TO ~~ROBERT E. WHITEHEAD~~, Constable of Holy Neck Township:

I COMMAND YOU TO SUMMON John B Vaughn *to appear before me, or some other Justice of the Peace for the Township, at* Buckhorn *on the* 14th *day of* April *188*3 *to answer the complaint of* Prentis Hare *of a plea for the non-payment of* $2.00 *with interest, due by* act *and then make return of this warrant. Given under my hand this* 10 *day of* april *188*3

Prentis Hare R. R. Holland *J. P.*

"2" *JUDGMENT is granted the* Plaintiff *for the sum of* two dollars *and costs* $2.33 *with interest, from the* 14th *day of* May *188*3 *till paid. Given under my hand, this* 14th *day of* May *188*3

R. R. Holland *J. P.*

The Commonwealth of Virginia,

R. R. Duke

To ~~ROBERT E. WHITEHEAD~~, Constable of Holy Neck Township:

I COMMAND YOU, that of the Goods and Chattels of John B Vaughan *you cause to be made the sum of* $2.00 *with interest from the* 14th *day of* "3" May *till paid, and costs,* $2.33 cts *which* Prentis Hare *recovered before* R. R. Holland *a Justice of the Peace of the Township aforesaid; and that you may render to the said* Prentis Hare *the debt aforesaid, and make due return thereof within sixty days. Given under my hand, this* 14th *day of* May *188*3

R. R. Holland *J. P.*

John B
Vaughan

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON R H Holland a Justice of the peace, R R Duke, Constable, and Hunter & Vale

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in July *next to answer a Bill in Chancery, exhibited against* them *in the said Court by* John B Vaughan, Constable.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 23rd *day of* June. *188*3*, in the* 107th. *year of the Commonwealth.*

Teste: Peter B Prentis *Clerk.*

Summons; To enjoin and restrain the said R.H. Holland, Justice of Peace, from further proceeding in said Cause, and especially to enjoin and restrain the said R.R. Dutch, Constable, from selling the property of the Complainant John B Vaughan levied on by him by Virtue of the writ of fieri facias directed to him by the said R.H. Holland Justice of the Peace as set forth in the Complainants bill, until the further order of the next Circuit Court of Tazewell County.

Test:

Peter B. Prentis. Clerk

Sheriff
Prentis Atty

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON R. A. Holland a Justice of the Peace. R. R. Duke, Constable; and Prentis Ward.

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in July *next to answer a Bill in Chancery, exhibited against* them *in the said Court by* John B Vaughan, Constable.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 23rd *day of* June *188*3*, in the* 107th *year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

Memo: To enjoin and restrain the said R. H. Holland, Justice, & Pearlis Hare, from further proceedings in said Cause, and especially

To enjoin and restrain the said R R Duke, Constable, from selling the property of the Complainant, John B Vaughan, levied on by him, by virtue of the writ of fieri facias directed to him by the said R H Holland, Justice of the Peace as set forth in the Complainants' bill, until the further order of the said Circuit Court of Tammany County.

Teste: Peter B. Prentiss, Clerk

E & E. Holland & Co

John B. Vaughan, Complainant

vs

R. H. Holland, Justice of the Peace &c

Do July Rule 5th, 1883

Sworn to in Chy. &c

Pro: B. Hood, Sol.

Executed the 27th day of June, 1883, and a true copy hereof delivered to R. H. Holland, a Justice of the Peace, R. R. Duke, Constable; and Pearlis Hare, each.

J L Faughnan Sh

To the

Hon. Jas. Blair, Judge of the Circuit Ct of Nansemond County—

Jno. B. Vaughan, Constable — complainants

vs — &

R. H. Holland, justice, R. R. Duke Constable & Rents Hare — Defendants —

The injunction as prayed for in the complainants bill is awarded, restraining and injoining the said R. H. Holland, justice & Rents Hare from further proceeding in this cause until further order of Court; and especially injoining and restraining the said R. R. Duke, Constable, from selling the property of the complainant levied on by him, by virtue of the writ offifacias directed to him by the said R. H. Holland justice, as set forth in complainants bill; ~~And the said Duke is directed to return the said fifa facias executed in the complainant, taking the proper steps to await the further action of the Court in this cause~~. But this order shall not take effect until the said Jno. B. Vaughan, or some one for him, shall execute before the Clerk of the Circuit Court of Nansemond County a bond in the penalty of $100 — , with security approved by said Clerk, and conditioned to pay all the judgment & such costs and damages as may be awarded against him by reason of granting this injunction.

C. W. Macdaugh

Know all men by these presents, that We John
B Vaughan
are held and firmly bound unto R N Holland a
Justice of the Peace R R Duke Constable and
Puntis Nare in the sum of One hundred
Dollars, to the payment whereof, will and
truly to be made to the said R N Holland
justice, R R Duke Constable and Puntis Nare,
we bind ourselves and each of us, our and each
of our heirs, Executors and Administrators,
jointly and severally, firmly, by these presents,
sealed with our seals and dated this day of
June A D 1883. and in the 107th year of the
Commonwealth, and we hereby waive our
Homestead Exemption, as to this obligation.
The Condition of the above obligation is
such, that Whereas John B Vaughan Constable
on his bill in Chancery against R N Holland a
justice of the Peace, R R Duke Constable and
Puntis Nare, addressed to the Honorable George
Blow judge of the Circuit Court of Nansemond
County, has obtained from the Honorable L W
Murdaugh judge of the Hustings Court of the City
of Portsmouth, an injunction to injoin and
restrain the said R R Duke Constable from selling
the property of the complainant John B Vaughan
levied on by him by virtue of the writ of fieri
facias directed to him by the said R N Holland

Justice of the Peace as set forth in the complainants bill until the further order of the said Circuit Court of Nansemond County;

And whereas it is provided by the order of the said Judge awarding the said injunction that the Complainant or some one for him, shall execute before the Clerk of the said Circuit Court a bond in the penalty of One hundred Dollars, with security approved by said Clerk and conditioned to pay the judgment and all such costs and damages as may be awarded against him, and all such damages as shall be incurred in case the said injunction be dissolved, then, this obligation to be void, or else to remain in full force and virtue.

Executed and acknowledged before me, in the Clerk's Office of the Circuit Court of Nansemond County, this 23rd day of June AD 1882.

Peter B. Prentis Clerk
of the Circuit Court of Nansemond County.

John B. Vaughn (Seal)
E. E. Holland (Seal)

John B. Vaughan Ast
To Tufon. Bond
R. H. Holland, J. P. Lal.

June 23rd. 1883 Executed Sealed

Depositions taken in the Chancery Cause of John B. Vaughan Constable against R H Holland and others, in behalf of the defendants, on the day of September 1883 before R H. Rawles Notary Public at his Office in the town of Suffolk.
Taken by Consent of all parties.

R H Rawles
Notary Public

Present: E. E. Holland attorney for Pltff: and R H. Rawles attorney for defendants:-

Prentis Hare being duly sworn on the Holy Evangelists of Almighty God deposes and says as follows:-

1 2 What is your name, age, residence and do you know the parties to this suit?

1 Prentis Hare, 34 years of age, Nansemond County, and I know the parties to this suit.

2nd Were you arrested by John B. Vaughan Constable some time in 1883 for an alleged assault on Abram Lee?

Ans He got out a warrant and came after me — he did not arrest me. We had decided before he came.

3rd Was the case ever tried?

A. It was not!

4th Were you ever carried before a Justice?

A Yes sir.

~~What~~ Leading Question I mean were you ever carried before a Justice to stand trial for the alleged assault?

A No sir I was not.

6th Were you ever fined by a Justice for that alleged assault?

A. No sir.

7th 2 Did Mr John B. Vaughn Constable collect a fee from you as defendant in that case if so state what it was

Ans He did. He collected ($2.00) two dollars from me in that case.

He told Mr. & Mrs. Doc Dansby another half dollar and I gave it to him.

8th 2 State whether you were afterwards informed that you, as a defendant in a case which was never tried, did not owe the Constable Vaughan anything?

Ans I owed.

9th Q. State whether you then placed in the hands of R.R. Duke constable of said district and county, a warrant for $2.00 the amount which you claimed he had illegally collected of you?

Ans 10th Ex-Co. A. Yes sir.

Q. Was that warrant duly and regularly tried?

Ans 11th Ind A. Yes sir:-

Q. What Justice tried it and when?

A. It was tried in the Court House by Lt. Holland a Justice for said district.

12th Q. How was the case decided?

Ans 13th A. It was decided in my favor.

Q. Has Vaughan ever paid you the said sum of $2.00?

Ans 14th A. No sir.

Q. Does he still withhold it from you?

Ans A. Yes sir.

Cx. Ex.

1st Q. Did not John B. Vaughan when he came to arrest you, show a warrant against you for assault & battery issued by J.R. R. Dunlap?

Ans A. Yes sir.

2nd Q. Did you not say to him, that the matter had been satisfactorily arranged between yourself & him and request that he would not search you but that he would try to have the warrant dismissed?

Ans. I told Mr. Vaughan that the thing was all right and Abram told me & I have come and got out a warrant for you. if the Constable comes you tell him to come to me

8th Q. Did you request Mr Vaughan to have the warrant dismissed?

Ans. No Sir.

4th Q. Did he not search you?

Ans. He did not.

5 Q. Did Vaughan ever make any charge against you? Or fee?

Ans. He say I have got to have pay for my Trouble.

6th Q. Did you not then agree if Vaughan should dismiss the warrant you would pay him for his Trouble?

Ans. No Sir. Abram Lee asked me what was I going to do about it and I told him I did not know - I told him I would pay half of it

7th Q. Did Vaughan say he would charge any fee but simply what you were willing to pay him for his trouble?

Ans A. He just charged that $2.50 he did not asked me say so about it.

8th Q. Did not Both you and Lee agree to pay him $1.25 each for his trouble?

A. Yes Sir.

Ans 9th Q. Why did you pay $2.00? as you allege?

Ans A. Because he charged it to me,

10th Q. Did you not say also that you were both to pay $2.50?

A. I do not know whether he charged it to me or not, we both paid it. I paid it all, but Abram paid me his part afterwards - He now claims his part from Vaughan I was to get it, because I paid it.

11th Q. Why do you bring a warrant against Vaughan for as you allege an overcharge of $2.00 when you were only to pay him $1.25?

Ans A. He charged $2.50 He did not say exactly which, but he came after me

and we both paid it and we both claims on money: and as I paid him this money Strawn request for me to get his back.

12th Did not Strawn Lee pay you $1.25?

Ans Yes sir, but he claimed for him just the same.

13th For what did Vaughn as you also charge you with $1.25?

Ans I do not know what he charged me that for. He charged me $2.50. He charge me that I coming after me

14th Did he present to you any statement thing that any charges and if any thing amounts were made?

Ans He only told me night along what he charged.

15th Why did you pay the amount you state without his telling you for what item alleged charges were made?

16th I paid him because he charge them to me for coming after me.

Ans Did you not this amount willingly and voluntarily?

Ans I was not willing to pay it: I paid it because he charged it to me.

17th By whom were you informed that you did not owe the Constable Vaughan anything?

Ans I don't know. Several told me. The man in the Clerk's office. Also R.R. Peake. That made me think I did not owe him anything.

18th Did you, yourself make complaint to Justice R.H. Holland and get this warrant to be issued?

Ans I did not, you myself but I requested another man to go.

19th Did not J.K.P. Daughtry with with Justice R.H. Holland in this case

Ans Yes sir he was there.

20 Did they to you knowledge or not make a decision before leaving the Courtroom?

Ans I do not know they never told us anything about it

21 Did not John B. Vaughan after telling that you were dissatisfied with having paid this amount offer to refund it?

Ans He never offer me any money until Mr Duke had it in charge and then he offer to pay the whole amount.

22 Did you not agree to
pay it?
A I told him he and Mr Baker
must settle it. It was in my
partners hands.
Re 444
Q. Was any judgment ever rendered
against you for this $2.00 or $2.50?
A No Sir.
Q Did you pay it mighty near when
Vaughan or an officer charged
you with it?
A Yes sir that is the reason.
Q Did Vaughan offer to pay you back the
whole costs to which the case had
gone as well as the $2.00?
A No sir, he only offered to pay the $2.00
Re Cr Exn
Q Did you not agree to pay
Vaughan $1.25 without any
charge being made?
A He charged this money and demanded
it.
And further this deponent saith not.
Sworn to

R H. Holland being duly sworn deposes and says as follows:

1st & 2 What is your name age residence and do you know the parties to this suit:—

Ans R H~~Ran~~ Holland. age 64 years, reside in Hammond County, and I know the parties to the suit.—

2nd Are you a justice of the peace for Holy Stock magisterial district, including Ivyhill in Hammond County?

Ans I am.

3rd Did you issue a warrant on the 10th day of April 1883 requiring Jno B. Vaughn a certain constable in your district to attend before you on the 14th day of April 1883 to answer a complaint of Perdue Hart of H.Co?

Ans I did.

4th Is this the warrant? marked "1"

Ans Yes sir it is.

5 Were Perdue Hart and John B Vaughn and are they witness before you when you tried the case?

Ans They were.

6th Did they then object to your jurisdiction or to the plea when the case was tried?

Ans They did not object

7th Did you hear all the testimony offered in either or both cases?

Ans I did.

8th Did you in with J.K.P. Dougherty to sit with you and give you his counsel in the case?

Ans I did not.

9th Did he sit with you?

Ans He sit there I think as an bar-room counsel.

10th Did you ask him for his opinion or counsel?

Ans I did not.

11th Then you issued the warrant in this case?

Ans I did.

12th You heard the case?

Ans I did.

13th Did you give judgment in this case?

Ans I did.

14th Is this the judgment you entered in the case marked "2"?

Ans It is.

15th Did you issue execution & R.R. into a constable in your district to collect the amount?

Ans I did

16 Is this the execution & marked "B"?
Ans It is.
17th Was any new trial called for by the defendant?
Ans Not until I came up to Town.
18th Did you grant a new trial?
I did not.
19th Did he show sufficient legal reason for a new trial in your opinion?
Ans I think not.
20th When you considered the amount claimed by the plaintiff just & due by the evidence and gave your judgment for the Plaintiff accordingly?
Ans I did
21st Do you know by what process or invitation J.K.P. Doughty was present at the trial?
Ans I do not. I suppose by Mr. Vanhorn.
22nd Did you decide the case then and there before you left Town?
Ans I did. and gave judgment accordingly

Cross Examined by Jno H. Wright, Atty for Vaughan

1st Q You say that Vaughan was present with all his witnesses. Can you name the witnesses Examined in his behalf?

Ans D.J. Daughtrey & Malcus Butler are all I can think of -

2d Q Did not Jno B. Vaughan, before you undertook to try the warrant, object to you sitting in the case for personal reasons?

Ans Not that I know of -

3d Q Did he not insist, that if you were determined to try the case, Justice Daughtrey should sit with you?

Ans No Sir, he did not state any thing like it to me.

4th Q Where did you sit in the trial of the cause?

Ans At the Court-House in an upper room.

5th Q Was Justice Daughtrey present?

Ans He was.

6th Q Was nothing said at the time by Vaughan or Justice Daughtrey about his sitting with you in the case?

Ans I don't recollect any thing of the Kind.

7th Q Why do you say that Justice Daughtrey was present as the Counsel of Vaughan?

Ans Because he contended that Vaughan had a right to make a charge for his services and seemed to be pleading Vaughan's case.

8th Q Was Justice Daughtrey sitting by Jno Young

the trial?

Ans He was sitting not far off.

9th Q Did he say nothing to you, or you to him about his sitting with you?

Ans Nothing specially about sitting. he said something about the case.

10th Q What did he say?

Ans He said what I have already said, about his having a right to charge, and further that it was a Magistrates duty to do justice, and I thought it would be injustice to allow false charges.

11th Q Did not Vaughan deny before you that he had made any charge?

Ans He did not deny receiving £2 5s.

12th Q Did he not deny that he had made any charge and assert that Hare had paid the money received by him, of his own accord?

Ans I don't recollect.

13th Q After hearing the evidence in the case, in an upper room of the Court House, did you not then and there consult with Justice Daughtery as to the judgment to be rendered?

Ans No Sir, I think not. I said that my judgment was that Mr Vaughan ought to pay the money.

14th Q Was it not stated, either by yourself or Justice

Daughtrey, that You two could not agree and that You would call in a third Justice?

Ans I did not say it; Mr Daughtrey might have said it.

15th Q Why should Mr Daughtrey have said it?

Ans I suppose because Mr Vaughan invited him there.

16th Q Do You mean to say, that at no time during the trial, You recognized Justice Daughtrey as an associate in the case?

Ans (Excepted to by Counsel for Hoe).
I recognized him as such, just so far as Mr Vaughan invited him and no further.

17th Q How do You Know that Mr Vaughan invited him?

Ans I did not Know it. I suppose he was there by Vaughan's invitation, not by mine.

18th Q Did You render Your judgment before leaving the Court House?

Ans I gave the judgment, but did not formally sign the instrument.

19th Q Why did You not complete it there?

Ans I wanted to be sure that I was right, and wanted to Examine the law upon the subject some.

20th Q Then I understand You to say that You did render judgment before You were sure of being right or Examining the Law?

Ans I gave judgment, but did not sign the instrument.

21st Q Did you so render judgment at the C.H. as to be understood by the parties?

Ans. I think I did.

22d Q How long after you left the C.H. before you signed the instrument?

Ans Immediately after coming up town and ~~to~~examining the law upon the subject.

23rd Where did you Examine the law,

Ans In Judge Rawls' office.

24th Q Where did you sign the instrument?

Ans I think I signed it here, but am not positive

25th Q Did you not, soon after this, make known to Vaughan for the first time the fact that you had given judgment against him?

Ans No sir, I gave judgment against him down there positively.

26th Q When did Vaughan ask you for a new trial?

Ans After I had come up town, some time after I had signed the instrument, and after he had insulted me about it.

27th Q When, where and how did he insult you?

Ans He called it a "~~Damned~~ packed nigger concern", I did not know the politics of Hare and could know now; this was some time after I had signed the instrument, and on the street.

28th Q Did not Vaughan, at the time he asked for a new trial say to you that in the upstairs room at the C.H. you & Daughtery failed to agree?

Ans Nothing of the kind was said. I am sure.

29th Q Were you on friendly terms with Vaughan at the time of the trial?

Ans (Excepted to as irrelevant)
We were as friendly as we had been for some time, or as we are now; but he was a man for whom I had no great respect, though I was not influenced by any personal feeling against him.

And further this deponent saith not. R.H. Holland

R.R. Denka, Constable, being duly sworn deposes and says as follows:-

1 What is your name, age residence occupation and did you know the parties to this suit?

A R.R. Denka, 45 years old, Hammond Co, Farmer and Constable and I know the parties to this suit.

2 State whether you were a constable on the 10th day of April 1883 for Hog Beat District in Hammond County?

A I was.

3 Was this warrant marked Ex No 1 placed in your hands to be served on John B. Vaughan Constable as it has in part?

a He was.

4 Did John B Vaughan Constable live in yor district at that time?

a He was a Constable in the district at that time and he lived in that district in Stoneham Co[unty].

5 Did you serve the notice in him as directed?

a I did.

6 State why the case was tried in Suffolk?

a I summoned all the parties to Buckman on the 14th of April at 2 O'clock. I tried to get J.K.P. Dauphty to try the warrant and he agreed to do it. Then I summoned the parties to Suffolk at the May Court. Then I asked R.H. Holland to try the warrant and he tried it in an upper room in the Drink house.

7 Was R.H. Holland at that time a justice of the Peace in yor district?

Excepts to.

a Yes.

8th Were all the parties, including defendants John B. Vaughan notified that the case was to be tried in Suffolk at May Court?

a Yes they were.

9 Was the case tried that day?
A It was.
10 When?
A At the Court House in an after noon.
11 Was the defendant Vaughan present at the trial?
A He was there.
12 Were his witnesses present?
A They were.
13 Was any objection then made as to the time place and justice trying the case, by Vaughan?
A None at all.
14 Did Vaughan come forward when the case was called and formally demand that Justice Holland should not try the case?
A He did not.
15 Did he in any manner object to the proceedings then had in the case?
A Not that I heard.
16 Did you summon J.K.P. Doughty again on that day to be present with R.H. Holland and hear the case?
A I never said a word to him about it.

17 Was this judgment marked Ex 2 on that day given by Justice Abt. Holland and placed in your hands for collection?

A It was.

18 Was this Execution marked Ex 3 then placed in your hands for collection?

A It was.

19 Did you proceed to make a levy by virtue of it, in the County of Vaughan?

A Yes I went to Vaughan house and made the levy.

20 Q What did you levy?

A 1 Clock and 1 Riding saddle.

21 Did you sell those goods?

A I did not. He got an injunction against me.

22 Do you still hold possession of them?

A They are now in my possession.

23 Were you ever required to summon the parties for a new trial?

A No. I was not.

24 Did you furnish this account of Costs Now to John B. Vaughan for payment Ex 4 before you summoned him to this trial?

A I did.

25 What did he say?
A When I went to him with an order he refused to pay it unless I would take $2.50 and for him to summon all the parties to trial upon. I mean a trial of the warrant he had against Prentis Hon. You see they did not go to any trial?
Etc. He offered me $3.00 in silver and he asked to give him a half dollar in change and a receipt. I refused to do it on the ground that the order only called for $2.00 and said to him that I was not justifiable in taking either more or less than the order called for. And he refused to pay it any other way. So I carried the order to Prentis and told him boy[illegible] would not pay it and then it was he Prentis Hon made out his account ~~for it~~ for it and prosecuted him for the $2.00.
26 Was the trial of Dunkan Ogden and Smith in all respects so far as you know?
A So far as I know it was.
27 Did J.M.P. Dunkly preside at the trial and if so ~~did~~ did Justice Holland

ask him to sit with him?

a Excepted to proceeding.

a Vaughn went out and got Doughty & he then at the trial.

28 Did Vaughan forbid you to buy on his property?

a He told me not to come to his house he forbid my coming there – but I did go. I gave him a sufficient time to pay it in. I let it go as long as he was Carpet.

Cross Examination.

1st Q. When did you learn, and how, that Hore and Lee had paid Vaughan this money?

Ans. I learned it some time in October. Sweet of with Prentiss Hore one day and it came up in the way of conversation.

2nd Q. Did you tell him, Vaughan had no right to the money, and advise him to bring a warrant against Vaughn?

Ans No- He asked me what lawful Costs were, and I told him he was not posted-

3rd Q Did you afterwards advise Hore to bring a warrant?

Ans. No. Hore came me and asked me about it again, and I told him I had been looking over the Acts of the Assembly and found there that the charge for issuing and Arrest warrant was half a dollar, and then he gave an order upon Vaughan for $3.00

4th Q. By whom was the warrant marked "Exhibit 1" placed in your hands to be served?

Ans. R. H. Holland - gave the warrant, but Prentis Hare placed it in my hands.

4th Q. Did Prentis Hare make complaint to R. H. Holland and ask for the warrant to be issued?

Ans. Not that I know of. He gave me the account against him

5th Q. By whom was complaint made?
Prentis gave me the account and I went to R. H. Holland and he gave the warrant.

6th Q. Did you summons Justice Holland to Buckhorn to try this warrant as well as Justice Doughtrey?

Ans. I did not. I summoned Doughtrey.

7th Q. Did Doughtrey refuse this reason?
I spoke to Doughtrey three times about trying that warrant. First he said, compromise it. I told him he owed it. I had been to see Vaughn the week before it.

8th Q. Was Doughtrey present at the trial at the Courthouse?

Ans. He was there after Vaughn sent him to go there.

9th Q. Did Doughtrey question any of the witnesses?
Ans. I don't recollect as to that part. He contended that Vaughan had a right to charge what he pleased.

10th Q. Did Doughtrey give his decision and his reasons?
Ans. He said Vaughan had a right to charge & Howard said if he was a legal officer he had the right to make a legal charge

11th Q. Didn't Vaughan object to M. Howard sitting in the case?
Ans. Not that I heard.

12th Q. Did you think or not that Doughtrey was sitting in the Case.
Ans. I didn't know. I had asked him several times and he had refused to try it.

13th Q. Did you tell Doughtrey the warrant would be tried and ask him to be present at the Courthouse.
Ans. No. I did not.

14th Q. Did you hear any judgment rendered at the Courthouse to be tried by either justice?

Ans. I heard Howard give his judgment.

15th Q. Did the two justices confer with each other after hearing the Evidence?
Ans. I do not think they did.

16th Q. Was anything said as to calling in a third juror?
Ans. Not a word that I heard.

17th Q. When did you first learn that Vaughn considered that no judgment was given?
Ans. I do not know that he did consider it that way.

18th Q. Did you not receive notice from Vaughn that he considered the judgment illegal & that he refused to pay it?
Ans. He refused to pay it. but I dont know about judgment being illegal.

19th Q. Did he not inform you that if you based on his probate he would sue you & your bondsmen?
Ans. He did not do it

20th Q. When you presented this account to Vaughn did not he offer to pay it?
Ans. He offered me $300 and asked me to give him 5% cash back and a receipt.

21st Q. Why didnt you take it?
Ans. I didnt think I was justifiable in taking more or less than was coming to me.

22nd Q. Didnt you represent both Prentis Hite and Abram Lee? I only for Prentis Hite & collect.
And further this deponent saith not.

K R Duke

The depositions of J. K. P. Daughtrey and others taken before me, Lee Britt, a notary public, for the County of Nansemond, pursuant to notice hereto annexed, at E. E. Holland's office in Suffolk, on the 19th day of March, 1884, between the hours of 11.25 o'clock A.M. and 2.25 P.M. to be read as evidence in behalf of John B. Vaughan in a certain suit in equity depending in the Circuit Court of Nansemond County of Virginia, wherein Jno B. Vaughan is plaintiff and Jas. T. & als defendants

Present E. E. Holland for plaintiff

R. N. Rawls for defendants.

J. K. P. Daughtrey being duly sworn deposes as follows:—

1st Question.—
What is your name, age, residence, occupation, & do you know the parties to this suit?—

Answer— J. K. P. Daughtrey, age 39 years, residence Nansemond County, occupation a farmer and know the parties to this suit.

2nd Question— Are you a justice of the peace of the said County? if so how long have you held the office?

2nd Answer— Am a justice of the peace of said County and have held the office for fifteen or twenty years.—

3rd Question

State all the facts you know connected with the cause now on trial.—

On one occasion I issued a warrant of assault and battery to Abram Lee against Prentis Hare. I think I directed the warrant to Jno B. Vaughan Constable. The warrant was never returned to me by said Constable for examination. A short time after that Mr Clarke met me at Justice Simons & asked me to meet him at Buckhorn, on the following Saturday to try some warrants he had against some parties. I told him that I had an engagement to deliver some potatoes at Windsor on that day. I then asked him if he had any cases of importance, & he told me that he had a case of larceny, Mr Benj. Bains plaintiff & a case between Prentis Hare and Jno B Vaughan. I told him that I would pass Buckhorn early on Saturday morning, & he would meet me early & would examine the case of larceny because Mr Bains requested me to sit on and examine that case in particular. I remarked to him that that would occupy as much time as I could spare on that day. In the mean time

I requested justice Simons to be present to sit with me on that case of larceny and to take charge of the remainder of the cases. Some time after that Mr James B Vaughan told me that he was summoned to appear at Suffolk to meet this case. He asked me to come to Suffolk to sit on the case. He said that he expected Clarke would summon R. A. Holland justice to try that case, & that he should oppose his sitting on the case, unless he should associate me or some other justice with him. I came to Suffolk according to Mr Vaughan's request & went to the upper room of the Court House. After being there a short while justice Holland came in & I went into an examination of the case. I handed the book to justice Holland and asked him to swear the witnesses which he did. After the examination of witnesses on both sides & after strict interrogation on my part, I find as no questions were asked any of the witnesses by justice Holland. I expressed an opinion, and justice Holland remarked that he did not agree with me, that his judgment was entirely opposite to mine. I remarked to justice Holland that I said that we could not agree upon a judgment, consequently no

Excepted to as incompetent testimony

decision could be arrived at in the case. I suggested to justice Holland that we would appoint a day and place, & call in the third justice & decide the case. We agreed to it. Several times and places were suggested by witnesses & parties concerned in the case. None seemed to suit Constable Clarke. I think the last suggestion was by Clarke himself, at Whaleyville and Frank Ellison should be the justice. We left the room with that understanding. I further state that I said Jno B. Vaughan offer money to Prentiss Hare, and stated to him that if you (Prentiss Hare) are dissatisfied about this matter here is your money. I think the amount was two dollars. He remarked I am satisfied myself, but Mr Clarke is at the bottom of this thing & told me that I had paid money that I ought not to have paid. Prentiss Hare refused the money. I cannot remember all the little things about it. What I have stated positively I know.

Excepted to by Counsel for defendant on the ground that Clarke was not a party to that trial

4th Question. Did you refuse at any time to try this Case?—

4th Answer. No Sir,—

5th Question. Did justice Holland ask you to sit with him in the trial of this case?

Answer.— He did not. I did not know that justice Holland would sit in this Case until he came in the room.

(Continuation of J. M. T. Laughlin's deposition)

6th Question. Did Vaughan raise any objection to justice Holland's sitting in the case unless ~~some other justice~~ unless some other justice was associated with him?

6th Answer. I don't recollect that he did at that time.

7th Question. Did you not consider that you were associated with Holland in the trial of this case?

7th Answer. I so considered.

8th Question. Did he not consult with you & ask your opinion as to what judgment should be rendered in the case?

8th Answer. He did not, but I consulted with him, expressed an opinion, and consulted with him as to a final settlement of the matter, and suggested that we call in a third justice, as a means of arriving at a final decision.

9th Question. Did he agree that a third justice should be called in?

9th Answer. He did.

10th Question. Was any judgment rendered at that time?

10th Answer. None at all. Simply an opinion by each one (justice).

11th Question. Did justice Holland state in open Court that the justices disagreed as to what judgment should be rendered & agreed to call in the third justice?

11th Answer. I don't know that he did in so many

words but agreed to call in a third justice as the only means of arriving at a final decision

12th Question Was the Court adjourned with this understanding?

12th Answer It was

13th Question Did justice Holland at any time after rendering judgment in this case confer with you before rendering judgment in this case?

13th Answer He did not I spoke to him about it after rendering judgment. I called his attention to the fact that he had promised to hear it by an associate justice with me, making three & asked him why he did so. He remarked that judge Rawls told him that he had a right to do so, and he did it.

14th Question Did Mr Vaughan request you to sit in the case & was any objection raised to your sitting in the case at the trial?

14th Answer He did & no objection was raised

15th Question Did you in any way so act and conduct yourself while sitting in the case as the counsel of either party?

15th Answer I did not aim to do anything of that kind. I simply interrogated the witness in order to arrive at a correct decision in the case. I rehearsed or recapitulated the testimony before justice Holland after

the examination to try to show him that he had erred in his judgment and for no other purpose.
Further this Deponent saith not.

Signed L. K. S. Daughtrey

L. K. S. Daughtrey, being duly sworn,
deposes and says: (State your name, age, occupation, residence, and how you know the parties to this suit.)

1st Question. 1st Answer. L. K. S. Daughtrey is my name, age 26 years, born and raised in Rockingham County and by occupation a farmer, and know the parties to this suit.

2nd Question. State all the facts you know connected with this case?

2nd Answer. The day Mr Vaughan went after Prentiss and he had me as a guard We went on the road where Prentiss was ditching & Mr Vaughan took the warrant out and read it to him and Prentiss told Mr Vaughan to go up to the house with him to see Abram, that he and Abram had made a compromise & were willing & pay any cost for this trouble which was due. They asked Mr Vaughan what he charged them and he said that he could not charge them but they could pay what they were willing for his trouble. They asked him if 1.25 each would satisfy him and he said that

it would whatever they were willing to give him. Prentice got up in the buggy with me and Mr Vaughan and went to Mr Prentiss' brother's and paid him. I thought it was all decided & Clarke then summoned me to Buckhorn on the same case.
All the parties were there & Clarke wrote a little note and left with Mr Collard to tell Mr Vaughan that he could not get the parties together. Mr Vaughan then asked Prentiss what was the trouble between him Prentiss and himself. He told him that nothing was the matter between them & that it all started from Mr Clarke. It went on then until Mr Clarke summoned me to Sulphur. I came to my room on Sunday and summoned me to Buckhorn on the same case. I asked him the reason he wanted to carry it to Sulphur, & he said the reason he wanted to carry it was because he wanted to carry it where there was some land. I came to Sulphur according to Summons & went down to the Court House & went into the Justice room & Mess Daughtrey and Holland were sitting on the bench and Mr Holland asked Mr Daughtrey to swear the witnesses. Mr Daughtrey told him he would rather for him to do it & Mr Holland swore the witnesses & Mr Daughtrey asked every question I am satisfied.

Continuation of D. F. Vaughan's deposition)

When they got through with the witnesses I thought the case would be decided on that day & after that they (the jurors) said they could not agree, & I understood that a third justice should be called in to try the case.

3rd Question. Did Dave pay this money to Vaughan voluntarily, and without Vaughan making any charge?

3rd " Answer. Yes sir.

4th " Question. Did not Vaughan tell Dave that he had no right to make a charge but that he could pay him what he pleased for his trouble?

4th " Answer. He certainly did sir,

5th " Question. Did Vaughan arrest Dave?

5th " Answer. No sir, He said that he and Dave had made a Compromise.

6th " Question. Did you ever see Vaughan tender ~~tender~~ payment of this money to Dave?

6th " Answer. Yes, sir, I did. I saw him after a Jackhorn & Prentiss Dave two dollars and a half.

7th " Question. Were you present at the trial at the Court House & did you understand from anything that was said that a judgment was rendered against Vaughan?

Question objected to by Counsel for Defence on ground that the opinion of the witness is not competent testimony.

7th " Answer. No sir, I did not.

8th Question Did you hear Justice Tolliver say that a third justice would be called in?

8th Answer I certainly did sir.

9th Question Did you take the Court House with the understanding that another trial would be had with a third justice called in?

9th Answer I did.—

And further this Deponent saith not

Signed L. X L Daughtrey
mark

Witness
L. D. Daughtrey

Joseph M Butler being duly sworn deposes as follows:—

1st Question State your name age occupation, & do you know the parties to this suit?

1st Answer Joseph M Butler is my name am 31 years old & am in the saw mill business & know the parties to this suit.

2nd Question.— State all the facts you know Concerning this case?

2nd Answer Mr Clark met myself and Mr Vaughan down at the Court House and told Mr Vaughan that he had an account against him for two dollars. Mr Vaughan asked him what for. He told him an overcharge of two dollars against Prentiss Hare. Mr Vaughan replied that he had made no charge against Prentiss Hare, and he had made him (Vaughan) a present of it or something of that sort.

Mr Vaughan then offered him two dollars but told him he would not take it as his account was only two dollars. He (Vaughan) then told him to give him a receipt and take the two dollars. Clarke told him that he would see him next Saturday at Holland's Corner, I refused to take the money.

Mr Vaughan then told him that next Saturday and nothing to day with this business and if he wanted the money to take it. We myself Mr Vaughan, left the Court House and met Prentiss at Clarke's Corner. Mr Vaughan then said what is the trouble between us. Prentiss then said nothing in the world Mr Vaughan. But Mr Vaughan, said why did you give to Dick Clarke an account against me for an overcharge of two dollars, when I have never made any charge. Prentiss then said that I knew nothing about it Mr Vaughan Mr Clarke is at the head of it all.

Mr Vaughan then offered Prentiss two & a half dollars and stated that he would give him two & a half dollars rather than have any trouble. Prentiss then said that he would not take the two dollars and a half, that he was

perfectly satisfied & would say
nothing more to do with it. We were
then summoned to the Court House
Messrs Holland & Haughtery sat on the
case. They argued the case awhile and
Mr Holland said to Mr Haughtery that they
were so far apart that he did not
think they could settle it. Mr Holland
then said that they would have to
call in the third justice. Mr Haughtery
then asked the question (I think) who could
it be and Mr Holland replied (I think)
Frank Elmira at Whaleyville.
And further this deponent saith not.

Sigd Joseph W. Butler

No other witness appearing, the further
taking of these depositions is continued
until such time and place as the
counsel shall agree upon

Signed Lee Britt N.P.

Virginia,
County of Nansemond, to wit:—
I, Lee Britt, a notary public for the county
of Nansemond in the said State, do hereby certify
that the foregoing depositions of J. H. D. Haughtery,
D. J. Haughtery and Joseph W. Butler were duly taken
sworn to and subscribed before me at the time
and place & for the purpose therein mentioned
Given under my hand this 19th day of March,
in the year 1884.

Notary's fee $5.00

Signed Lee Britt N.P.

Jno B. Vaughan being first duly sworn on the Holy Evangelist of Almighty God deposeth and saith as follows:

1st Q What is your age, residence & occupation?

Ans I am 32 years old, reside in Hunsmond Co & am a farmer.

2d Q Are you a Constable of the said County, and if so how long have you filled the office?

Ans I am, and have been such nearly three years.

3d Q State all the facts you know connected with the cause now on trial.

Ans Abram Lee v Pearlis Have got into a fuss & Abram made Complaint and asked for a warrant. The warrant was issued by J K P. Daughtrey, a Justice & placed in my hands for Execution, after two or three days I went to look for Pearlis and found him on the road where he was ditching, took out the warrant & read it to him, and he said "Mr Vaughan, me & Abram has got

together and we have compromised this between ourselves & wish to stop it. We wish to stop it by paying you for your trouble, we know it is some trouble, and don't want it to go before a magistrate, as this all started from a trouble over a woman". I said "Pewlis, I do not know that I have the right to stop the warrant myself, but I have been authorized by the Justice, when both parties are satisfied & wish to withdraw the warrant, that I could do so and return the warrant". Then he said to me "What will you charge us to have us more to do with this?" I said provided it is satisfactory to all parties, I leave it with you two to say what you will give me" Then he asked me three times if no more, "what would I charge" and I made the same reply, viz "I leave it with you two, I make no charge". Then he said "if we give you $1.25 apiece will that satisfy you"? I said yes, I leave it with you two. There was no one present except him, myself & D. J Daughtery, and he said let's go down & see what Abram says about it. We drove to Henry Jones's where Abram was at work. Pewlis called Abram himself & said to him, "I have talked with Mr Vaughan

about this, and asked him if he would be satisfied if we gave him $1.25 a piece & would have no more to do with it, Abram said Yes, I will go to Mr Jones and get my part of the money & pay it right over. He turned off & walked 5 or 10 steps when Prentiss said "Hold on Abram" I have got the money & I will pay it & you pay me". Abram said "all right, I'll hand the money to you in a day or two". Prentiss then came back to me & said "Mr Vaughan, I have not the money by me but it is at my brothers on the road as you go back & I will go with you & get it. He got in the buggy with myself & Mr Daughtry & went back to his brothers, went to the house and brought $2.00 and said "this is all the change I've got, but I'll hand you the other half dollar Saturday". I said he could hand it to me or to Mr Daughtry. Some time during that week or the week after, Mr Daughtry said he gave it to him, but I have not seen it yet. Nothing more passed between us at that time.

As well as I recollect, about three or four months after that, Mr R. R. Duke approached me at the C. H, & stated that he had an account against me for an overcharge of $2.00 in favor of Prentiss Hall, & asked for what

I have had no transactions with Prentis & made no charge on any thing. He then said it is for the cost on that warrant between him and Abram Lee. I said, Mr Duke I want no trouble with any body over a little matter, and if You will give me a receipt for it You can have the whole $2.50 which Prentis & Abram paid. I had the $2.50 in my hand and offered it to him. His reply was "the account is only $2.00 & I will see You at Holland's Convenant Saturday." I said "next Saturday has nothing to do with it; give me a receipt for the $2.00 then & take it, if You want it." He turned & walked off & nothing more passed between us. I came on up town & met with Prentis Hall & asked him what was the trouble between him and me; His reply was, "Nothing in the world." I asked why he gave Mr Duke an account for $2.00 against me when he had not paid but $1.25. His reply was, "I know nothing at all about it it is all Mr Duke's work. Mr Duke came to me & asked how much money Did I pay You, I told him I paid $1.25 & Abram $1.25. Mr Duke said You have paid too much, and if You want me I will get it back for You, and I

said I don't know we paid it to him ourselves and if we paid too much I would like to have it back if we can get it" Then I made the same remark to him that I had to Duke, that I did not want any fuss with any body over a little money, and offered him the $2.50 in presence of witnesses. He said "Mr Vaughan I don't know anything in God's world about it and I won't take the money". I said "here is the money if you want it, and if you won't take it, say no more about it."

About four or six weeks after this Duke came to me & said "I want that money" I asked what money. He said the "Peculiar Race money". I replied "those ten dollars you the money & I have tendered Peculiar the money and now if you get it, you must get it by Law". He replied "that is just what I want, so that I can make the costs out of you & not out of them, and I summon you to to Buckhorn next Saturday to trial." I said "I'll meet you any where" and I gave him the names of my witnesses and asked him to summon them. He replied that he would summon us one but Daughtery as he had summoned him on the other side" On the day named

I went to Buckhorn, according to summons
I was there handed a note left for me by
Duke, saying he could not get the parties
together, I thought it strange he should
leave such a note when all the parties
were there at the time. I met him a day
or two after & asked what he meant by
acting as he did. He replied "I could get no
one to try the case Except Mr Jim Daughtry
or Joshua Simons, and I intended to
carry it before Mr R. H. Holland or no body"
He then summoned me to appear at Leef-
fects at Judge Rawls' office the following
Court day. I said "I object to going to any
private office, but will meet you at the
C. H. the Mayor's office or any public
place. I asked whom he would have to
try the warrant. He replied "I'll find
a man". I said "I don't care whom you
have, notify Mr Daughtry or Mr Simons
one to sit with him, & he replied "I shall
not do it". I said "You must have some one
because I am satisfied You are going to
have Mr Holland who has Expressed his
opinion of the case". On the following
Court day I met Mr Duke in the street &
asked if he had summoned my witnesses,

He replied, I have summoned no one but Mr Daughtery and I went to his house Yesterday (Sunday) I asked how come we going into the case without my witnesses, and he said "if you did not bring them it is not my look out". I asked if he had seen Mr Daughtery, Mr Simons, or any Justice & he said "I've got old man Ro Holland here" I said "I see plainly that you are trying to put up a job on me, and you must notify Mr Daughtery or some one". His answer was, "I shall not do it". I then saw Mr Daughtery myself & asked if he would sit in the case with Mr Holland & he agreed to do so. When the case was called at the C.H. Mr J.K.P. Daughtery & myself were the first two who entered the room. After a while Mr R.H. Holland came up. Mr Holland & Mr Daughtery together opened the Court having previously had some Conversation. Mr Daughtery asked Mr Holland to sweep the witnesses. Mr Holland said "No" you do it. Mr Daughtery swore the witnesses, and went on to Examine them & after finishing his questions asked Mr Holland if he had any questions to ask them. After getting through with the witnesses Mr Daughtery gave his view of the case & Mr

Holland got up & walked across the floor & said "It is no use to say a word, my mind is made up." Mr Daughtrey said "let us hear from you" Mr Holland said "my judgment is that he is only entitled to 50 cents." Mr Daughtrey said "Is he entitled to 50 cents" & Holland said "yes". Then Mr Daughtrey said "my judgment is that if he is entitled to 50 cents he is entitled to it all, because it has not been proved by the Pltffs that Vaughan made any charge, and Vaughan proves that he did not. Mr Holland then said "we can't settle it". Mr Daughtrey tried to effect a compromise between himself & Holland & I said I could agree to any thing they did & Mr Holland said "No we can't settle it." Mr Daughtrey said "the case will have to go over and we will have to call in a third man to settle it" and to this Mr Holland agreed. At this the Court adjourned I came up town and went to get my dinner, & soon after I came out Mr Drake came to me & said "I could that money" I asked what money. He said "the Pltffs have money. I've got a judgment." I asked who rendered judgment, he said Mr Holland. I said after hearing as we did, I did not suppose to pay the money under such a

judgment. He said "I am going to make it at once" I said "go ahead, but I will see you out". After this I was advised by Counsel to ask for a re-hearing. I applied to Mr Holland three times and he refused it every time. After several weeks, Drake came and levied on my property in my absence from home. I left a note for him with my wife, if he should come in my absence, saying that I would give him a forthcoming bond. He said he would take the property and remove it in defiance of any body, and he did move it. He levied on property and moved it away, of the value of at least $15-00. I afterwards met him and offered him the forthcoming bond, already Executed with security and he promised to return the property next day but has not done so yet.

4th Q What kind of money did you ~~offer~~ tender to Drake & to Prentis Hare, when you offered to repay the amount paid you by Hare?

Ans I tendered each of them two Silver Dollars and a Silver half Dollar.

5th Q Did you exact of Prentis Hare any specific amount as charges for costs in the matter against him

Ans I did not.

Cross Examined

1st Q Where is the warrant that was issued by Justice Daughtry against Prentis Hoe?

A It is in the possession of Justice Daughtry.

Q it was returned to him.

2 What did the warrant charge?

A Assault and battery.

3 Who issue it out?

A Abram Lee?

4 Was there a warrant against Lee?

A No sir I never saw you.

5 Then there was only one warrant?

A Only one in my possession that I know of.

6 Did you serve this warrant in Hoe?

A I did.

7 ~~Was~~ Did you arrest him?

A When I served the warrant on him he said he had come on a compromise.

8 Then you did not arrest him?

A No I did not arrest him. He went in to fix his worm and got with parties together.

9 Was the case tried?

A No sir.

10 What legal work or an officer did

you do?

A I served the warrants on him.

11 Do you know the legal fees for serving warrants?

A Fifty cents in assault and battery.

12 You accepted $2.00 yourself in this case?

A They agreed to it. They agreed to give me that on their own accord.

13 Was any agreement in writing before a justice ever entered into ~~for~~ between Prentis Hart and Abram Lee in this case?

A I do not know. They said they were going to see Justice Doughty, Thornton & do not know what was done.

14 You say you offered to return this money when called for by Hart or D.R. Dalton then you did not consider it was due to you?

A Yes Sir I consider it was due, but rather than have any trouble over it I offered to give it back to them.

15th At the Trial at Bucktown, or rather on the day set for the Trial, what justices were present on the ground?

A Mr. Daughty and Mr. Simons both were there.

16 You say that Justice Holland had expressed his opinion in this case. How do you know?

A Because Mr Malcolm Butler told me
Ex. Co. & do not know of my own knowledge.

17 State exactly and precisely what there was in the trial of this case at Suffolk that was illegal fraudulent or void?

A ~~Both or both of which both~~ two justices sit in the case and only one gave this judgement.

18 Any other fraud or illegality?

A Nothing unless an officer failing to notify the witnesses and summon another justice as he had been directed.

19 Did you raise this point before the court that day and ask that the court then and there settle the point?

A I did and they ordered them to be summoned as they were present.

20 Were they then summoned? and present at that trial?

A They were.

21 Any other illegality?

A I objected to Mr. Holland because I had been informed that he had expressed his opinion and I did not think that any justice who had expressed his

of mine was fit to sit in the case.
Was because he has been pulling and
hauling and harassing me for two
or three years, and I did not think
that a man who had been pulling
at another neighbor could give fair
justice.

22 Any other reason?
That is about all.

23 Who issued the warrant in this
case?
Mr R.H. Holland I guess I never saw it
Asked Mr Duke to let me see it
and he refused to do it.

24 Did he read it to you?
He did not.

25 Did explain it to you?
A All that he said, I am going to
warrant you on that account of
Dentis Hare. I said let me see the
warrant. Him not let he says. And I
summon you to trial.

26 Who seen this judgment?
R.H. Holland. As they say, I am never seen it.
I asked Duke to let me see the judgment
and he refused to do that.

27 Did you consider justice done by to be present
and sit in the case?

a I did. by Mr Clerke refusing to do it after Deputy refused to do it.

28 You asked for new trial?

a yes

29 Who did you ask?

a Mr R.H. Holland.

30. Had you ~~giving~~ given notice to all the defendants in the Action that on a certain day and at a certain hour you would ask for new trial?

a I asked for it that day hour when they were found. He said I did not notify them. I notified the Constable Mr Clerke that I was going to ask for a new trial.

31 Has Justice Doughty ever rendered a decision in this case and refused it to writing?

a No sir he did not do it because they would not let him have the warrant to issue it on. He asked for it and they would not let him have it.

Re-Ex-

Pltf Q Did you consider the money due you in the way of costs or charges for serving Warrant?

Ans. No Sir. I only considered it due me because they

proposed to give it time.

2nd Q. Did you make any regular charge at all?

Ans I did not.

Was this money paid you by the parties voluntarily or did you exact it?

Ans It was paid me voluntarily.

3rd Q Did J. W. Doughtery sit in this case?

Ans Yes. he did.

4th Q Did he render his decision?

He did not for refusal to give him the papers.

5th Q Did you see R. H Holland you objected to his trying the case?

Ans No sir I did not hear him but only to the Constable.

6th Q Did you hear Holland deliver his judgment at the Court House?

Ans I did not. I don't think he delivered any. Am satisfied that he didn't because he left all the understanding that a third man was to be called in & Mr Ellenor was nominated.

7th Q When did you first hear Holland had given judgment?

Ans. That evening after we came to town.

7th" Q. Was it declared by either parties in open Court that no decision could be reached, and did they leave Court with this understanding?

They

Mr. Hicks told me he rendered judgment in Justice Reeves office. Yes sir Mr Doughtery told Mr Holland they were so far apart that they could have to call in a third man, and with this they left

8th Q Was the Court then adjourned?

Ans. Yes, Sir.

Was it after this that Holland gave judgment.

Ans Yes Sir

And further this Deponent saith not.

John B. Vaughan

John B. Vaughan, Constable

vs

R. H. Holland, Justice of the Peace et al

On motion of the parties to this suit, both plaintiff and defendant, this cause is removed from the docket, ~~the costs of the cause to be equally borne by the plaintiff and defendant~~. each party paying his own costs -

Vaughan
vs
Holland.

Final decree
To be entered.
C.W.D.
Oct 13, 1853

Assent to
this decree.
Oct. 13th 1853.
E. E. Haviland Sol.

R. H. Rawle, Jr
Defendant's Sol.
Entered in Chancery
Order Book No. 2. Pg. 521.

The demurrer, and separate answers of R.H. Holland, R.R. Duke and Prentis Hare defendants to a bill of complaint exhibited against them in the circuit court of the County of Rawsemond by John B. Vaughan a constable:-

The defendants say that the bill is not sufficient in Law:

And for answer to the said bill or to so much thereof as they are advised it is material they should answer, the said defendants reserving to themselves all just exceptions to the said bill, answer and say:- That it is true that Prentis Hare recently recovered judgement against the said John B. Vaughan constable, for the sum of $2.00 and costs, the said judgement being rendered by R.H. Holland a duly qualified justice of the peace for Holy Neck magisterial district in this County. An execution was issued on the said judgement by the said justice and placed in the hands of R.R. Duke a constable to be levied upon the property of the said John B. Vaughan. The said levy was duly made but the goods were not sold on account of an injunction served

the said R.R. Duke Constable enjoining him and all others from proceeding further in the case.

The warrant on which this case was based was duly and regularly issued by Prentis Hoe before R.H. Holland the said justice and was against the said John B. Vaughan for an over charge made by him as Constable for work never done, and was an illegal charge made by him against and contrary to Law. The said Prentis Hoe was never arrested by virtue of any warrants by the said John B. Vaughan and was never carried by the said Vaughan, Constable before any justice, nor was ever even called to any trial for any alleged offense against him, and yet this John B. Vaughan Constable threatens him with arrest and by this means collects from him the sum of $2.00. which under the demand of the said Constable Vaughan, the said defendant Hoe paid. It was for this amount that he brought warrant against Constable Vaughan. When the warrants was first issued although issued by

Justice Holland, the Constable in this
Case one R.R. Duke summoned the
defendants Vaughan and all the
parties before Justice J.R.? Doughty
at Buckhorn for trial: but the said
Justice Doughty refused then and
then to try the said case, and after-
wards repeatedly refused to try the
said case. Then the defendant R.R.
Duke summoned all the parties
including the defendants Vaughan
to appear in Suffolk in Holy Neck
District for trial at and on the day
the County Court met for this County
to wit: on the 14th day of May 88.
the parties including the then Plaintiff Martin
Hare, and the then defendants John B.
Vaughan Constable with their witnesses
all duly appeared before the said R.H. Holland
Justice of the peace on the said day at an
after noon in the Court House of said
Nansemond County. No objection was
then made by any or either party to the
Trial of the case for any reason whatever
and the case was duly and regularly
tried by the said R.H. Holland justice
according to the Law and the evidence
and a judgment was then and then

rendered by the said Holland in favor of the plaintiff Prentis Hare and against the defendant John B Vaughan Constable for the sum of $2.00 and costs: the being for an illegal and unchange which the said Constable Vaughan had made and collected from the said Prentis Hare.

The Justice J.K.P. Doughty who had before repeatedly refused to hear the case was present during this trial, but only by the request and insistence of some person to these defendants unknown. The defendant R.H. Holland the justice who issued the warrant, and who presided at this trial certainly did not at any time, nor in any manner ask the said Justice Doughty to sit with him; he did not associate Doughty with himself on that occasion, nor did he ask the opinion of the said Doughty in the case. On the contrary during the whole progress of the trial the said Doughty acted and conducted himself as the Counsel of the defendants and the said Vaughan. He was, so far as the Court was concerned an intruder.

The said defendants deny that the said Judgements of the said W. Holland was either illegal inequitable or fraudulent or that there is any reason for setting it aside. It was duly and regularly tried by a duly authorized and qualified officer, according to the laws of this State and in accordance with the testimony in the case, after due proper and legal notice to all parties entitled.
These defendants say they are informed that according to the laws of Virginia no appeal or of right lies from such a judgement as this involving only this amount nor can the case be reviewed, but for fraud, in case of a court of equity.
They further say that Justice Holland was the proper person to try the case: and even if he had called in Justice Daughtry the decision would have been as was Holland's decision: Daughtry would and could only have been present by courtesy and while his advice might have been asked and given, yet Holland the presiding Justice was under no obligation whatever to accept it or be guided by it. The defendants Prentis & Son denies that he paid the said amount of $2.00 voluntarily to the said

John B. Vaughan Constable. He paid it because Vaughan as an officer demanded it of him: and mistook knowing his rights as a citizen.
These defendants all deny that J.K.P. Doughty sit in the case as a Justice. Certainly he was not by any of them asked to hear the case that day: he had been formerly asked to hear the case but always refused. They also deny any disagreement in the Court of the Justices on that day. In no one was legally hearing the case but Justice Holland and he denies that any disagreement was announced in open Court by the two justices: nor was there ever any ~~this~~ agreement by them to call in a third justice. The judgement was rendred while the Court was in session the said judgement is neither contrary to the evidence, to equity, nor is it illegal fraudulent and void.
These defendants each and all of them deny all fraud Confederation and Conspiracy.

And having fully answered the bill of the plaintiff John B. Vaughan Constable they pray that this honorable court will make and enter an order or decree fully and wholly dissolving the said injunction herein granted: that the said Constable R.R. Duke may be fully empowered to go ahead and sell the property of the said John B. Vaughan on which he has heretofore levied to satisfy the judgments rendered by the said Justice R.H. Holland in this case, and in accordance with the writ of fieri facias or execution which is now in his hands and having fully answered unto this honorable Court defendants each and all pray to be hence dismissed with their reasonable costs in this cause expended.

R.H. Holland. a Justice of the Peace
R.R. Duke a constable
Prentiss Moore

Virginia
Nansemond County to wit:-

This day personally appeared before me R H Holland, R R Duke and Reuben Hare and made oath that the statements contained in the said answer are true to the best of their knowledge information and belief.

Given under my hand this day of September 1883.

R H Rawles
Notary Public.

Vaughan
vs
Hare et als.

Answers and
demurrer of defendants.

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To

The Hon. Geo Blow. Judge of the Circuit Ct of Hamilton County:

Jno B Vaughan, Con. Table

vs. In Chancery

R H Holland ~~and XXXXXXXXXXXXXXXX~~ Justices, R R Duke, Constable and Prentis Hone. Defendants.

Your complainant, Jno B Vaughan, Constable sheweth unto the Court that one Prentis Hone recently recovered against your complainant a judgment and execution amounting to $12.50 and costs, the judgment being rendered by R H Holland a justice of this County. An execution offinifacias has been issued and levied upon the property of your complainant by one R R Duke, Constable of the said County. Your complainant states that the said judgment is illegal, inequitable and fraudulent and should be set aside. The facts are as follows: Your complainant Jno B Vaughan, a Constable duly appointed and qualified, recently had placed in his hands for execution a warrant for assault and battery against one Prentis Hone, which warrant was issued by J. R. Doughtry, a justice of this County. When your orator went to arrest the said Hone under said warrant, he was satisfied by all the parties concerned that the matter had been peaceably settled, and that all the parties desired the warrant to be dismissed. This, your orator consented to do, with the permission

of the justice, who issued it. When the said war-
rant had been dismissed by complainant
without making any charge, asked the said
Prentiss Hare if he would pay him for his trouble,
when he, the said Hare, voluntarily fined complain-
ant the sum of $1.25. A few days there-
after, complainant, greatly surprised,
was summoned by one R.R. Duke, constable, to an-
swer a warrant, issued by me R.H. Holland, a
justice of this county, upon the complaint of said
Prentiss Hare, for an overcharge for services in
said case to the amount of $2.00 whereas he had
laid only the sum of $1.25, and this of this occa-
sion. Complainant at once tendered pay-
ment of the $.25 each amount, to wit: $1.25, to the
said Prentiss Hare, which was refused. This war-
rant against complainant came on to be
tried on Monday, May 21, 1883, justices R.H. Holland
and J.M.P. Doughty sitting in the case. After the
evidence was submitted, the said justices could
not agree, as to who was entitled to judgment
and their disagreement was announced in open
court, whereupon both of said justices agreed
to call in a third in order to reach a decision.
With this understanding the court was adjourned
and the parties separated. The said R.H. Holland
justice, after the parties had so separated, with the
understanding of said, and without consulting

his associate justice in the trial, unlawfully rendered a judgment against your complainants for $2[illegible] and costs and issued an execution thereon directed to the said R.R. Duke, constable, which he has levied upon the property of your complainant. This judgment of your complainants states is contrary to the decree, to Equity, and is illegal, from Silent, and void. In tender consideration whereof and in as much as your complainants is without remedy, save in a Court of Equity. Your complainants prays that the said R.H. Holland, justice R.R. Duke constable and Printer Hose may be made parties defendants to this bill and required to answer the allegations hereof upon oath or fully and particularly as if like same were here again repeated and they charge specially in terrogated that the said R.H. Holland, justice, and Printer Hose may be restrained from any further proceedings in the said matter; and especially that the said R.R. Duke, constable may be enjoined and restrained from selling the property levied on by him and belonging to your complainants by reason of the execution in his hands, and be required to restore the same to your complainants, that the said judgment be set aside or null and void and that such other and further relief may be granted to your complainants as his cause requires or Equity may seem meet. And your complainant will ever

Pray &c-

Jno. B. Vaughan
By Counsel-

County of Monmouth, to wit:
This day personally appeared before me the undersigned, E. E. Holland, a notary public for this County, Jno. B. Vaughan, and made oath that the statements in foregoing bill are true to the best of his knowledge and belief.
Given and in my hand this 18 day of June 1883
E. E. Holland, N.P.

E. E. Holland, Esq.
John B. Vaughan
Complainant
vs.
Bill
R. H. Dillard, Justice
&c.

John B. Vaughan, Constable

vs

Chy: Rules

R. H. Holland, Justice of the Peace Lal

1883 June Injunction issued

" " 23rd: Injn Bond filed &

" " " Served on Chy: Rules 4th July Rules, 1883

" July 2nd Bill filed & Decree nisi 4th days.

" Aug. 6th. Decree nisi confirmed & Case set for hearing.

on motion of Plff's Counsel

Chap. Notes